

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

NEW PRIME, INC., d/b/a PRIME, INC.,)

Plaintiff,)

vs.)

Case No. 6:19-cv-03236-MDH

AMAZON TECHNOLOGIES, INC.,)

Defendant.)

ORDER

Before the Court is Plaintiff's Motion to Compel (Doc. 56) and Defendant's Motion to Compel Damages Disclosures. (Doc. 58). The Court has heard argument from the parties and has reviewed the parties' briefing and applicable discovery requests, and after careful consideration of the record before it rules as follows:

1. Plaintiff's Motion to Compel

A. Interrogatories

Plaintiff moves to compel Defendant to fully answer Interrogatories 7-9.

The Court **SUSTAINS** the motion to compel answers to interrogatories 7 and 8.

The Court **SUSTAINS, in part**, the motion as to Interrogatory 9, and limits the interrogatory to only include any plans which have been implemented, approved for implementation, and/or or assigned a timeline for implementation. Defendant does not have to include in its response any plans that were merely considered by Defendant as possible options but on which no further action has been taken.

B. Request for Production of Documents

Plaintiff moves to compel Defendant to produce all documents responsive to Requests for Production 9, 11, 13, 15, 16, 18, 37, 39, 40, 41, 42, and 52.

The Court **SUSTAINS** the motion to compel document requests 9, 11, 13, 15, 37, 39, 42 and 52.

The Court **OVERRULES** document request 18 as overbroad.

The Court **SUSTAINS, in part**, document request 16, and limits the document request to only include any plans which have been implemented, approved for implementation, and/or or assigned a timeline for implementation. Defendant does not have to include in its response any plans that were merely considered by Defendant as possible options but on which no further action has been taken.

The Court **SUSTAINS, in part**, document request 40, but limits the request to what Prime agreed to in its January 14, 2020 letter (Doc. 61-8). The request is limited to sales agreements, distribution agreements, and marketing or promotional agreements.

The Court **SUSTAINS, in part**, document request 41, but limits the request to any documents related to agreements with third-parties who have been or are expected to be authorized to transport under, with, or displaying any of the Accused marks.

The discovery responses compelled by this Order shall be provided within 30 days.

2. Defendant's Motion to Compel

The Court **SUSTAINS** the Motion to Compel the supplementation of damages disclosures under Fed. R. Civ. P. 26. Plaintiff shall supplement its damages disclosure within 60 days of receipt of the discovery responses compelled in this Order.

IT IS SO ORDERED.

DATED: July 2, 2020

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE